

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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| Rocket Mortgage LLC, |) | Case No.: 8:23-cv-05128-JD-KFM |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER AND OPINION |
| Brittany N. Clark, Brandon Clark, |) | |
| |) | |
| Defendants. |) | |
| |) | |

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ (DE 16.) Defendant Brittany N. Clark (“Defendant”), proceeding *pro se* and *in forma pauperis*, removed the present action from the Anderson County Court of Common Pleas. (DE 1.)

This case arises from a foreclosure action filed by the Plaintiff Rocket Mortgage, LLC, (“Plaintiff” or “Rocket Mortgage”) on October 11, 2023, in the Anderson County Court of Common Pleas regarding property located at 918 Firetower Road, Williamston, South Carolina (“the Subject Property”). (DE 1; 1-1.) On October 13, 2023, Defendant’s notice of removal was filed in this court. (DE 1.) Her notice of removal asserts federal question jurisdiction based on federal regulations and federal statutes. (*Id.*) On October 27, 2023, Plaintiff filed a motion seeking to remand the instant matter to the Anderson County Court of Common Pleas. (DE 11.) On

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

November 3, 2023, Defendant filed a response to Plaintiff's Motion to Remand. (DE 13.) The motion is now ripe for review.

The Report was issued on November 8, 2023, recommending Plaintiff's Motion to Remand be granted because this Court lacks federal question or diversity jurisdiction over this action. (DE 16.) Defendant has not filed an objection to the Report. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the face of the record. Therefore, the Court adopts the Report (DE 16) as modified and incorporates it herein by reference.

It is, therefore, **ORDERED** that Plaintiff's Motion to Remand (DE 13) is granted.

IT IS SO ORDERED.

S/ Joseph Dawson, III
Joseph Dawson, III
United States District Judge

Florence, South Carolina
December 13, 2023

NOTICE OF RIGHT TO APPEAL

Defendant is hereby notified that she has the right to appeal this order within thirty (30) days from this date, under Rules 3 and 4 of the Federal Rules of Appellate Procedure.